

WILLIAMSBURG CITY COUNCIL
January 13, 2005
MINUTES

The Williamsburg City Council held its regular monthly meeting on Thursday, January 13, 2005, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler, Messrs. Haulman, Scruggs, and Chohany. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist. Mr. Freiling was absent because he was called away on business.

Staff Attending: Department Heads Clayton, Hudson, Nester, Serra, Weiler, Yost, and Assistant City Manager Miller.

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Haulman Moved that City Council Approve the Minutes of December 6 and 9, 2004, and Special Meeting of December 13, 2004. The Motion was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Scruggs, Zeidler, Haulman, Chohany

No: None

REPORTS

Monthly Financial Statement

The Monthly Financial Report was received and ordered filed.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

Traffic Enforcement: Chief Yost reported that hazardous violations was down for the year because police spent more time patrolling neighborhoods and targeting problem areas where drugs are prevalent. Another contributing factor was that the department was working with fewer personnel. Parking violations were down because the parking enforcement officer, Ms. Johnson was injured in an accident, and because of construction in the downtown area.

City Manager Reports

Professional Auditing Services for the City and Williamsburg Regional Library

Reference for this item was Mr. Tuttle's report dated January 6, 2005. Mr. Serra said that Witt Mares (and Eggleston Smith) has served as the city's and library's auditors for the past six fiscal years. Audit services for the city and library for the next fiscal year would be \$42,000 and \$7,000 respectfully. Mr. Serra reported that the library is satisfied with the auditing services and fees. The Finance and Audit Committee reviewed the audit proposal and recommended that the three-year contract extension with Witt Mares be approved.

Mr. Scruggs Moved that City Council Authorize Execution of a Three-Year Contract Extension with Witt Mares PLC for Professional Auditing Services, as Recommended by the Finance and Audit Committee, in a Form Satisfactory to the City Attorney. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Scruggs, Zeidler, Haulman, Chohany

No: None

Economic Development Alliances Merger, Proposed Resolution #05-01

Reference for this item was Mr. Tuttle's report dated January 6, 2005. Mr. Tuttle said that three months ago, City Council met with Rick Weigel of the Peninsula Alliance for Economic Development (PAED) to discuss the terms of a merger between the economic development alliances on the Peninsula and Southside. At that time, Council concurred that the Mayor would send a letter of support for the merger concept. Since that time, the PAED Executive Committee recommended the merger to the entire Alliance Board and Membership which will meet on January 26, 2005. Williamsburg is being asked to adopt a resolution for approval of the merger. The city's contribution to the Alliance next year will be \$1.00 per capita and its contribution to the Peninsula Council for Workforce Development will be \$.51 per capita, for a total of \$18,120. It is recommended that Council adopt the proposed resolution.

Mayor Zeidler spoke in support of the merger and in support of the Workforce Development component remaining separate. The merger will eliminate the competition between the Peninsula and Southside.

Mr. Scruggs, the city's representative on the Workforce Development Consortium, has closely observed the merger. He appreciated the efforts of the Mayor and Mr. Tuttle to put regionalism into practice. The city has been a leader in this effort.

Mr. Scruggs Moved that City Council Adopt Resolution #05-01, A Resolution of the City Council of the City of Williamsburg, Virginia Approving the Merger Agreement Between the Peninsula Alliance for Economic Development and the Hampton Roads Economic Development Alliance. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Scruggs, Zeidler, Haulman, Chohany

No: None

(See Attached Resolution #05-01)

Request by the Williamsburg Redevelopment and Housing Authority to Form a 501-C.3 Non-Profit Corporation

Reference for this item was Mr. Tuttle's report dated January 6, 2005. Mr. Tuttle reported that a letter was received from the Williamsburg Redevelopment and Housing Authority (WRHA) requesting City Council to authorize the Authority's designation as a 501-C.3, non-profit corporation in the city. State Code requires that the city approve the request. The designation would allow the Authority to secure low interest mortgages and tax credit subsidized funds for the construction of single family and multi-family housing in the city. Staff recommended approval of the request.

Mr. Haulman said that the corporation status would give the Authority and city an additional tool to use for its redevelopment efforts and non-profit status would provide an opportunity for public/private partnership to engage in redevelopment and affordable housing. This is a competitive market and this would give the city and Housing Authority another tool with which to work. Mayor Zeidler noted that the Housing Authority has done good work over the past six to seven years and this would strengthen its ability to do its work. Mr. Tuttle confirmed that the WRHA Board would serve as the corporation's board.

Mr. Chohany Moved That City Council Authorize the Williamsburg Redevelopment and Housing Authority to Form a 501-C.3, Non-Profit Corporation for the Purpose of Securing Low Interest Mortgages and Tax Credit Subsidized Funds for the Construction of Single Family and Multi-family Housing in the City of Williamsburg. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Scruggs, Zeidler, Haulman, Chohany

No: None

Jamestown-Scotland Ferry Service

Reference for this item was Mr. Tuttle's report dated January 6, 2005. Mr. Tuttle explained that Surry County is asking the City of Williamsburg to endorse its request to the State to construct and place in service a new ferry boat in time for the Jamestown 2007 Commemoration. The demand for ferry service has continued to grow and the prospect for congestion at the ferry crossing, especially during 2007, is likely.

Staff is recommending that Council authorize the Mayor to sign a letter on behalf of City Council addressed to appropriate state legislative and VDOT officials on the Jamestown-Scotland Ferry issue urging action to provide adequate service, especially during 2007.

Mayor Zeidler added that the Executive Committee of the Hampton Roads Planning District Commission and the Metropolitan Planning Organization has endorsed the request for the State to address this problem. Council members concurred in their support for better and improved ferry service.

Mr. Chohany Moved that City Council Authorize the Mayor to Sign a Letter on Behalf of City Council Addressed to Appropriate State Legislative and VDOT Officials on the Jamestown-Scotland Ferry Issue Urging Action to Provide Adequate Service, Especially During 2007. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Scruggs, Zeidler, Haulman, Chohany

No: None

Inventory and Assessment of City Economic Development Activities

Reference for this item was Mr. Tuttle's reported dated January 6, 2005, which included the "Inventory and Assessment of Economic Development Activities of the City of Williamsburg, January 2005" (attached). Mr. Tuttle referenced his report and said that he would not go over all the inventory details. Council's Biennial Goals and Initiatives for 2005/2006 contain an initiative under the "Economic Vitality" goal that states:

“Inventory and assess current economic redevelopment and development efforts, determine and evaluate the variety of tools and mechanisms available to enhance the city’s approach to economic redevelopment and development, determine the most effective methods of staffing and managing these efforts, and make changes where appropriate.”

Mr. Tuttle said in the Inventory and Assessment provided he tried to catalog significant activities and efforts undertaken by the city and to briefly assess the city’s performance in each area. He asked for Council’s direction in determining the most effective methods and staffing, and managing economic development and redevelopment as next year’s budget time approaches.

Mayor Zeidler appreciated the information provided in Mr. Tuttle’s document. It points to an integrated approach as a basis to start looking at economic development issues. Mr. Haulman agreed with the Mayor’s comments. He offered the following remarks:

In Williamsburg the topic of economic development seems to permeate the air – few public meetings are complete without some reference to the issues, and many discussions regarding the city ultimately turn to questions of the city’s current and future economic base. This focus particularly came to the fore in the recent city council elections in which every candidate had something to say about the topic, although concrete answers to the many questions that arise when discussing economic development were in short supply – my campaign included.

Given the multitude of interests involved, particularly those of the city’s residents, and the many businesses, organizations, and institutions that have a stake in the city’s economic future, how should we as a community organize our thoughts about economic development, and how should the city proceed in developing an effective and workable plan for advancing our local economy?

There are three primary and sometime overlapping areas that the city must address when considering questions of economic development – the retention and enhancement of existing businesses, the redevelopment and infill-development of critical areas of our community, and the recruiting of new businesses that complement our community and our vision of the future.

While the city can provide an impressive list of activities that address one or another of these areas, for the most part Williamsburg’s approach to economic development has been a supportive rather than an aggressive one. The city invests in infrastructure improvements in key areas; funds Colonial Williamsburg, the Convention and Visitors Bureau, and imposes the new \$2 tax for tourism promotion; funds the Chamber of Commerce for business recruitment and retention; uses Industrial Development Authority issued bonds to support expansion of existing firms; and finally the city supports a host of other special activities from arts festivals to the farmers market and creates links to wide range of local and regional organizations such as the Peninsula Alliance for Economic Development. These tactics have been

successful in part, but current pressures require strengthening those efforts that work as well as developing new strategies.

But, where do we start rethinking Williamsburg's approach to economic development? First we need a long-range vision of our community's economic future. While there are many unstated visions, and while there are various short-term visions such as the City Council biannual Statement of Goals and Objectives and the periodically updated comprehensive plan, Williamsburg has no clearly stated long-term vision that provides a framework for the city's economic development efforts. Such a vision must be long term – 20, 30, even 50 years or more -- and must consist of not only an overarching vision of the whole, but compatible visions for particular areas of the city such as Richmond Road from College Corner to the Bypass, South Henry Street, Second Street, the Quarterpath tract, and others.

At the same time the city's vision of its economic future is being developed, we need to inventory and assess our current economic development efforts with two purposes in mind. The first is to determine which of those current efforts are most effective and where among those efforts there is room for improvement. The second is to determine what areas receive little or no attention – where are the gaps in our current approach. What we have before us is an excellent starting point.

With a vision and assessment in place, the hard part begins. First is determining what policies need to be put into place and what activities and actions should be undertaken. Second is to determine what are the best organizational and administrative structures for carrying out the city's vision of its economic future.

As City Council and City staff considers alternative policies and tools for economic development and redevelopment, a number of critical questions arise. How do we encourage the start up of new businesses? What can we do to encourage the expansion of existing businesses? How do we develop a sense of loyalty to the City among our business community? What are the externalities that make the City of Williamsburg attractive, and how do we best use and enhance those attributes? How might we best play off the asset of our existing businesses and institutions? Are there clusters of business activity such as medical services, arts tourism, etc. that we might focus on? And finally, what is the infrastructure improvements needed to assist our efforts?

As we consider these questions as well as others that may arise, we must think critically about the variety of tools available to successfully pursue our goals in the areas addressed by the above questions. These include, but are not limited to policies and actions such as infrastructure improvements -- roads and streets, parking, public transportation, underground wiring, etc.; zoning districts such as the recently proposed student oriented business district; and various tax breaks and a variety of direct and indirect subsidies for expanding existing enterprises and for encouraging new businesses.

We must also think about the organizational framework needed to succeed in our efforts. From within the city's own administrative structure, the roles of the City Manager, the Assistant City Manager, the Planning Director, the Planning Commission, the Industrial Development Authority, the Housing and Redevelopment Authority, and the possible need for additional staff focused on economic development must be considered. From the community, the roles of the Chamber of Commerce, the Convention and Visitor Bureau, the Neighborhood Council, William and Mary's Office of Economic Development and Corporate Affairs, and Colonial Williamsburg Foundation's economic development operation must consider and opportunities for cooperation explored.

Finally, the City's long-term vision for its economic future, the organizational structure developed to ensure that vision become a reality, and the variety of policy and actions needed to move forward must address the city's role as the centerpiece of the Historic Triangle's economy. This means economic development activities among the three political jurisdictions must move from their present state of intense competition to a state of carefully considered regional cooperation.

Thanks to the City Manager and staff we have an impressive inventory of policies, actions, and activities in the area of economic development and redevelopment the City engages in currently. And, I thank them for all the work that went into this report.

It seems to me we now need to take the next steps and there are two that must occur before we are able to take others.

The first is to ask the City Manager to come back to Council with a more detailed assessment of the items on this inventory including specific recommendations for improvements, changes, and/or additions.

The second is to ask the City Manager and staff to help Council articulate a long-term vision for the City's economy – some of this is already implied in what we do and say, but it is a vision that remains largely unarticulated.

With these two in pieces in place, Council can then begin the hard work of developing the policies, tools, and organizational framework needed to take Williamsburg toward that vision.

The plan outlined here asks much from City Council and from City staff. But, I believe the future well being of our city demands no less.

Mr. Haulman concluded by thanking Mr. Tuttle and staff for their work on the document.

Mr. Chohany applauded the work of Mr. Tuttle and staff and asked that Mr. Tuttle's report and inventory be made available to citizens and placed on the city's website. As Council's liaison to the Industrial Development Authority Board, he believed this information would help the IDA to understand the goals of the city and provide leadership for them. In order to implement the ED goals, he encouraged adding a position to staff such as an economic

development manager and asked Mr. Tuttle to look into the position.

Mr. Scruggs was pleased with Mr. Tuttle's report and believed that Mr. Haulman's comments represented Council's thoughts. He particularly liked the long-range approach and goals. He recommended that information be collected regarding the types and number of businesses located in the city. He welcomed input from businesses and citizens. The next step in this process would be to look at the demographics and then develop a plan to reach Council's goals.

Mayor Zeidler requested more in-depth staff work on economic development issues by Council's February retreat. Council will look to the City Manager for budget recommendations to address improvements or changes for an enhanced approach to economic development in the city. Mr. Tuttle agreed that he would work to compile the information as expeditiously as possible.

City Attorney Report

Level 3 Communications, LLC, Proposed Agreement for Underground Communications

Reference for this item was Mr. Phillips memorandum of January 21, 2005, which included a copy of the proposed agreement.

Mr. Phillips said the agreement is a five-year automatically renewable contract between the City and Level 3 Communications, LLC ("Level 3") that grants to Level 3 the non-exclusive right to install and maintain telecommunications facilities in the city streets rights-of-way for Bypass Road and Second Street. Since Level 3 is a Certified Telecommunications Provider, Virginia law does not permit the City to charge Level 3 for use of public rights-of-way. Mr. Phillips explained the State Code provision regarding charging of fees. The code allows localities to elect to charge a \$0.50 per linear foot fee for use of its rights-of-way, which fee is passed through to the consumers. In 1989, Williamsburg elected not to charge the fee. The only monies payable to the city by Level 3 would be normal right-of-way processing fees and normal administrative fees. Mr. Phillips said the Virginia General Assembly is looking at how to handle telecommunication facilities and payment for them. Mr. Clayton has worked for many months with Level 3 on this agreement.

Mr. Clayton said this is a Richmond to Norfolk project. He reviewed a map of the city route involving Bypass Road and Second Street. The streets will not be dug up when the installations are taking place and work should be completed in March. Mr. Clayton reviewed the telecommunication licenses with other providers in the city. Approval is recommended. Level 3 will need to obtain the necessary right-of-way permits before final approval and before work commences.

Mr. Clayton responded to Mr. Haulman that direct drilling should prevent most damage to landscaping and trees.

Mr. Phillips added that approval of the agreement is mandated by the state. Contracts for a period of more than five years would require a franchise, which is more complex and not desirable for localities.

Mr. Scruggs Moved That City Council Approve the Proposed Agreement with Level 3 Communications LLC, and Authorized the City Manager to Execute the Agreement . The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Scruggs, Zeidler, Haulman, Chohany

No: None

New Business

Appointments to Boards and Commissions

*Mr. Haulman Moved That City Council appoint **Mr. Scott P. Carter** to the Board of Building Code Appeals for a Five-Year Term to Expire December 31, 2009; and Reappoint **Mr. George Marsh** to the Peninsula Disability Services Board for a Three-Year Term to Expire February 1, 2008. The Motion Was Seconded by Mr. Scruggs.*

Recorded Vote on the Motion:

Aye: Scruggs, Zeidler, Haulman, Chohany

No: None

*Mr. Chohany Moved that City Council Reappointment of **Mr. Clyde Haulman** to the Williamsburg Redevelopment and Housing Authority Board, for a Four-Year Term to Expire February 5, 2009. The Motion Was Seconded by Mr. Scruggs.*

Recorded Vote on the Motion:

Aye: Scruggs, Zeidler, Haulman, Chohany

No: None

OPEN FORUM

Mayor Zeidler invited comments

Mr. Randy O'Neal, 109 Sheffield Road, James City County, addressed Council regarding his business. He has a 50-foot trailer with stationary bikes installed, designed to provide children with an excellent fitness experience. He was hoping to get his business started in the Williamsburg Area and hoped that Council would promote his services.

James Kammert, 108 Richmond Hill, member of the city's IDA, recognized Mr. Chohany's attendance at the IDA meetings and offered that the IDA would be supportive of helping the City Manager with work on further economic development planning. The IDA is willing to be of assistance and encouraged Council to give the IDA specific tasks, such as the economic development plan.

Mayor Zeidler thanked Mr. Kammert for coming and for his comments. She recognized the contributions of the IDA, both the innovative sign program and the business appreciation program.

CLOSED SESSION

Mr. Haulman Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph one, concerning appointments to board and commissions. The Motion Was Seconded by Mr. Scruggs.

Recorded Vote on the Motion:

Aye: Scruggs, Zeidler, Haulman, Chohany

No: None

The meeting adjourned at 4:05 p.m. The Mayor called a five-minute recess.

At 4:23 p.m., Council met in Open Session.

Mr. Haulman Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Scruggs, Zeidler, Haulman, Chohany

No: None

CERTIFICATION OF CLOSED MEETING

Date: January 13, 2005

Motion: Mr. Haulman; Second: Mr. Scruggs

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Scruggs, Zeidler, Haulman, Chohany

No: None

Absent During Vote: Freiling

Absent During Meeting: Freiling

The meeting adjourned at 4:24 p.m.

Approved: February 10, 2005

Shelia Y. Crist
Clerk of Council

Jeanne Zeidler, Mayor